

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Lifeline and Link Up)	WC Docket No. 03-109
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Advancing Broadband Availability Through Digital Literacy Training)	WC Docket No. 12-23
)	

**PETITION AND CERTIFICATION OF THE
NEBRASKA PUBLIC SERVICE COMMISSION
TO OPT OUT OF THE NATIONAL LIFELINE ACCOUNTABILITY DATABASE**

Dated: October 1, 2012.

INTRODUCTION

Comes Now Petitioner, Nebraska Public Service Commission (NPSC) and respectfully requests that the Federal Communications Commission (FCC) authorize it to opt out of the National Lifeline Accountability Database (National Database). In support of its Petition, the NPSC certifies the following pursuant to 47 C.F.R. § 54.404(a):

1. The NPSC through its Nebraska Telephone Assistance Program (NTAP) has developed a comprehensive system and database that meets all FCC requirements to prevent duplicative federal lifeline support.
2. The NTAP database incorporates subscriber information from all eligible carriers (ETCs) receiving federal low-income support in Nebraska.

I. DESCRIPTION OF THE NTAP ENROLLMENT AND DE-ENROLLMENT PROCESS

The NPSC oversees the NTAP enrollment for each subscriber to determine initial and ongoing eligibility in to receive the Lifeline and state universal service telephone discount. Two methods are used for NTAP enrollment (1) coordinated enrollment via the Department of Health and Human Services, and (2) NPSC verified enrollment. For the coordinated enrollment method, the NPSC uses a secure interface with the Nebraska Department of Health and Human Services to verify eligibility of applicants qualified on the basis of receiving Supplemental Nutrition Assistance Program (SNAP), Medicaid, Temporary Assistance for Needy Families (TANF), Low-Income Home Energy Assistance (LIHEAP), and Children's Medicaid programs such as Kid's Connection. With respect to the NPSC-verified enrollment, the NPSC internally verifies

the applications of others who receive benefits from one of the other approved eligibility criteria but are not programs administered by DHHS such as Federal Housing Assistance, the school lunch program, and the straight income based tests. The NPSC verifies all of these applications and requires documentation showing eligibility. In addition, the NPSC verifies that the applicant or a member of the applicant's household is not already receiving the NTAP benefit. If the subscriber or someone in the subscriber's household is already receiving an NTAP benefit, a letter will be sent to the subscriber. The subscriber must determine which telephone number/provider should have the discount. In the alternative, if the subscriber can show that there is no duplication (for example through documentation of a separate economic unit) the NPSC will maintain that documentation on file and in its database. After the NPSC has verified initial eligibility and approved the enrollment of the applicant for NTAP discounts, the NPSC provides this information to the ETC along with the certification form.

Ongoing Verification and Matching

The ETCs are required to provide a current file to the NPSC each month that lists all newly enrolled and de-enrolled NTAP subscribers, as well as NTAP subscribers that have changed their telephone number or address. The NPSC processes the information and matches the subscribers to the lists of subscribers in the NPSC's NTAP database to ensure that all NTAP enrollments and de-enrollments reported to the ETCs have been accurately processed. The information received by the NPSC regarding changes in phone numbers or addresses is used to generate a letter to the NTAP subscriber explaining that the subscriber must complete a new application in order to continue to receive NTAP benefits. In addition, all ETCs are required to provide a current file to the NPSC semiannually that lists all enrolled NTAP subscribers. The

NPSC processes the information and matches the subscribers to the lists of subscribers in the NPSC's NTAP database as an additional check on the monthly process.

II. CERTIFICATION AND DESCRIPTION REGARDING NPSC COMPLIANCE WITH SECTION 54.404(a) OF THE FCC'S RULES

The NPSC hereby certifies that Nebraska, through the NPSC, has a comprehensive system in place to prevent duplicative federal Lifeline support that is at least as robust as the system adopted by the FCC and that incorporates information from all eligible telecommunications carriers receiving low-income support in Nebraska and their subscribers.

Pursuant to the FCC's rule which requires a state requesting exclusion from the national database to describe with specificity how the state's system functions and for each requirement adopted by the FCC to prevent duplicative support, the NPSC offers the description herein to satisfy this requirement. The NPSC requests the FCC permit it to supplement any description with further detail where needed.

De-Enrollment

Section 54.405(e) provides as follows:

If an eligible telecommunications carrier has a reasonable basis to believe that a Lifeline subscriber no longer meets the criteria to be considered a qualifying low-income consumer under § 54.409, the carrier must notify the subscriber of impending termination of his or her Lifeline service. Notification of impending termination must be sent in writing separate from the subscriber's monthly bill, if one is provided, and must be written in clear, easily understood language. A carrier providing Lifeline service in a state that has dispute resolution procedures applicable to Lifeline termination, that requires, at a minimum written notification of impending termination, must comply with applicable state requirements. The carrier must allow a

subscriber 30 days following the date of the impending termination letter requirement to demonstrate continued eligibility to the carrier consistent with applicable annual recertification requirements, as described in § 54.410(f). An eligible telecommunications carrier must terminate any subscriber who fails to demonstrate continued eligibility within the 30 day time period. A carrier providing Lifeline service in a state that has dispute resolution procedures applicable to Lifeline termination must comply with the applicable state requirements.

The NPSC's procedures are consistent with this rule. All NTAP participants are given 30 days to re-certify at the end of their eligibility period. If a subscriber is listed on the DHHS interface as participating in the qualifying program, the NPSC sends a letter to the subscriber notifying the subscriber that they must re-certify by updating their address and other information within 30 days. If a subscriber is no longer listed on the DHHS interface as participating in the qualifying program, the NPSC sends a letter to the subscriber notifying the subscriber that they must re-certify with documentation that they are on one of the qualifying programs within 30 days. If no response or no certification is provided, the NPSC notifies the carrier that the subscriber is no longer eligible and has been de-enrolled from the program. The NPSC requires re-certification of all NTAP subscribers on an annual basis. If a subscriber fails to re-certify at the end of the 30 day period, the carrier is instructed by the NPSC to de-enroll the subscriber.

The FCC's rule further provides,

Notwithstanding paragraph (e)(1) of this section, upon notification by the Administrator to any eligible telecommunications carrier that a subscriber is receiving Lifeline service from another eligible telecommunications carrier or that more than one member of a subscriber's household is receiving Lifeline service and therefore that the subscriber should be de-enrolled from participation in that carrier's Lifeline program, the eligible telecommunications carrier must de-enroll the subscriber

from participation in that carrier's Lifeline program within five business days. An eligible telecommunications carrier shall not be eligible for Lifeline reimbursement for any de-enrolled subscriber following the date of that subscriber's de-enrollment.

The NPSC has processes in place to detect duplicates for each subscriber based on the name, address and social security numbers. The NPSC performs this duplicate check upon enrollment and runs a query each month. If a duplicate is found for one subscriber with multiple numbers, a letter is sent to the subscriber requiring the subscriber to determine which service they wish to receive the Lifeline discount on. The subscriber has 30 days to return the letter that indicates which phone number will be given the Lifeline discount. Should the subscriber not return the letter, one of the subscriber's telephone numbers will be randomly selected to continue to receive the Lifeline discount. The ETC that is associated with the telephone number that is not selected is instructed to de-enroll the customer.

The NPSC collects household information upon enrollment to determine whether the address given is duplicative of an existing NTAP subscriber's address. If an address is determined to be duplicative, the NPSC contacts the subscriber to determine whether subscribers in the same household have duplicative NTAP benefits. If it is determined that a duplication exists, the NPSC requires the subscriber to choose the carrier/telephone number to which the NTAP benefit is to be applied. The NPSC notifies the subscriber that a non-response may result in de-enrollment from the program. If the subscriber is nonresponsive, the carrier(s) are instructed to de-enroll the subscriber.

The FCC's rules also require an ETC to de-enroll Lifeline subscribers who fail to use their Lifeline service in certain cases. Section 54.405(e) provides

Notwithstanding paragraph (e)(1) of this section, if a Lifeline subscriber fails to use, as "usage" is defined in § 54.407(c)(2), for 60 consecutive days a Lifeline service that does not require the eligible telecommunications carrier to assess or collect a monthly fee from its subscribers, an eligible telecommunications carrier must provide the subscriber 30 days' notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline service within the 30-day notice period will result in service termination for non-usage under this paragraph. If the subscriber uses the Lifeline service within 30 days of the carrier providing such notice, the eligible telecommunications carrier shall not terminate the subscriber's Lifeline Service. Eligible telecommunications carriers shall report to the Commission annually the number of subscribers de-enrolled for non-usage under this paragraph. This de-enrollment information must be reported by month and must be submitted to the Commission at the time an eligible telecommunications carrier submits its annual certification report pursuant to § 54.416.

The NPSC has designated only one telecommunications carrier to which this rule would most likely apply and will work with this carrier and any future designated ETCs to ensure that this rule is being followed. The NPSC will require that ETC(s) provide written notice to any subscriber who fails to use his or her Lifeline supported telephone for 60 consecutive days, that he or she will no longer receive Lifeline support if their supported telephone service is not used within 30 days. If the subscriber does not use their phone in the allotted period, then the ETC will de-enroll the subscriber and report the removal of the subscriber on its monthly report of enrollments and de-enrollments. The ETC will report this de-enrollment information to the FCC when they submit its annual certification report.

When a subscriber fails to re-certify, the Commission's rules provide,

Notwithstanding paragraph (e)(1) of this section, an eligible telecommunications carrier must de-enroll a Lifeline subscriber who does not respond to the carrier's attempts to obtain re-certification of the subscriber's continued eligibility as required by

§ 54.410(f); who fails to provide the annual one-per-household re-certifications as required by § 54.410(f); or who relies on a temporary address and fails to respond to the carrier's re-certification attempts pursuant to 54.410(g). Prior to de-enrolling a subscriber under this paragraph, the eligible telecommunications carrier must notify the subscriber in writing separate from the subscriber's monthly bill, if one is provided using clear, easily understood language, that failure to respond to the re-certification request within 30 days of the date of the request will trigger de-enrollment. If a subscriber does not respond to the carrier's notice of impending de-enrollment, the carrier must de-enroll the subscriber from Lifeline within five business days after the expiration of the subscriber's time to respond to the re-certification efforts.

The NPSC's re-certification procedures are consistent with this rule. The NPSC instructs ETCs to de-enroll subscribers due to a failure to re-certify. All subscribers are given written notice and 30 days to re-certify prior to de-enrollment.

Qualifications for Lifeline Service

The Commission's rule provides

- (a) To constitute a qualifying low-income consumer:
 - (1) A consumer's household income as defined in § 54.400(f) must be at or below 135 % of the Federal Poverty Guidelines for a household of that size; or
 - (2) The consumer, one or more of the consumer's dependents, or the consumer's household must receive benefits from one of the following federal assistance programs: Medicaid; Supplemental Nutrition Assistance Program; Supplemental Security Income; Federal Public Housing Assistance (Section 8); Low-Income Home Energy Assistance Program; National School Lunch Program's free lunch program; or Temporary Assistance for Needy Families; or
 - (3) The consumer meets additional eligibility criteria established by a state for its residents, provided that such state specific criteria are based solely on income or other factors directly related to income.
- (b) A consumer who lives on Tribal lands is eligible for Lifeline service as a "qualifying low-income consumer" as defined by §

54.400(a) and as an “eligible resident of Tribal lands” as defined by § 54.400(e) if that consumer meets the qualifications for Lifeline specified in paragraph (a) of this section or if the consumer, one or more of the consumer’s dependents, or the consumer’s household participates in one of the following Tribal-specific federal assistance programs: Bureau of Indian Affairs general assistance; Tribally administered Temporary Assistance for Needy Families; Head Start (only those households meeting its income qualifying standard); or the Food Distribution Program on Indian Reservations.

- (c) In addition to meeting the qualifications provided in paragraph (a) or (b) of this section, in order to constitute a qualifying low-income consumer, a consumer must not already be receiving a Lifeline service, and there must not be anyone else in the subscriber’s household subscribed to a Lifeline service.

The NPSC utilizes the Commission’s qualifying programs consistent with 47 C.F.R. § 54.409 and has modified its processes to account for these criteria in its NTAP database. Although the NPSC does not initially enroll subscribers living on Tribal lands in the Lifeline program, the NPSC will require the ETCs to provide a list of all qualifying subscribers enrolled in Tribal lands and eligible to receive Lifeline support in Tribal areas prior to enrollment so that the NPSC can determine if any duplicates exist. If a subscriber is receiving duplicative benefits, the NPSC will likewise give the subscriber the opportunity to select the telephone number on which the benefit is to be received and require the additional carrier(s) to de-enroll the subscriber. The NPSC will include all subscribers in the re-certification process to ensure continual qualification in the underlying programs.

Subscriber Certification

Section 54.410 provides

- (b) Initial income-based eligibility determination

(B)(2) Where a state Lifeline administrator or other state agency is responsible for the initial determination of a subscriber's eligibility, an eligible telecommunications carrier must not seek reimbursement for providing Lifeline service to a subscriber, based on that subscriber's income eligibility, unless the carrier has received from the state Lifeline administrator or other state agency:

(i) Notice that the prospective subscriber meets the income-eligibility criteria set forth in § 54.409(a)(1) or (a)(3); and

(ii) A copy of the subscriber's certification that complies with the requirements set forth in paragraph (d) of this section.

And;

(d) Initial program-based eligibility determination

(B)(2) Where a state Lifeline administrator or other state agency is responsible for the initial determination of a subscriber's eligibility, when a prospective subscriber seeks to qualify for Lifeline service using the program-based eligibility criteria provided in § 54.409, an eligible telecommunications carrier must not seek reimbursement for providing Lifeline to a subscriber unless the carrier has received from the state Lifeline administrator or other state agency:

(i) Notice that the subscriber meets the program-based eligibility criteria provided in § 54.509(a)(2),(a)(3) or (b); and

(ii) a copy of the subscriber's certification that complies with the requirements set forth in paragraph (d) of this section.

The NPSC verifies all of the NTAP applications to ensure that the subscriber meets the criteria for the income or program based enrollment on the basis of the information provided by the NDHHS through its coordinated enrollment process or through the subscriber through submitted backup documentation. The NPSC requires the use of its NTAP application form for all subscribers applying for the Lifeline discount. The NPSC ensures that all subscribers fully execute the certification form. The subscribers select the carrier they have or they wish to for application of the Lifeline discount. Upon completion of the NPSC certification

process, the subscriber information is sent to the ETC that provides service along with a copy of the valid certification form.

The Commission's rule requires "state Lifeline administrators or other state agencies that are responsible for the initial determination of a subscriber's eligibility for Lifeline" to "provide prospective subscribers Lifeline certification forms in clear, easily understood language." The NPSC provided a copy of its NTAP application and certification form to the Commission. The NPSC received some suggested edits to the form. The NPSC incorporated the suggested edits into the certification form. The NPSC believes that the certification form meets the Commission's requirements. The NPSC staff provides further assistance to subscribers needing help understanding the certification statements being made. The NPSC provides a copy of the completed eligibility certification form to the ETC for the initial subscriber discount.

III. ANNUAL ELIGIBILITY RE-CERTIFICATION PROCESS

The Commission's rules state that where a state Lifeline administrator or other state agency is responsible for re-certification of a subscriber's Lifeline eligibility, the state Lifeline administrator or other state agency must confirm a subscriber's current eligibility to receive a Lifeline service by:

- (i) Querying the appropriate eligibility databases, confirming that the subscriber still meets the program-based eligibility requirements for Lifeline, and documenting the results of that review; or
- (ii) Querying the appropriate income databases, confirming that the subscriber continues to meet the income-based eligibility requirements for Lifeline, and documenting the results of that review; or
- (iii) Obtaining a signed certification from the subscriber that meets the certification requirements in paragraph (d) of this section.¹

¹ 47 C.F.R. § 54.410(f)(3).

The NPSC will perform these functions. The NPSC uses a database with DHHS program information to run a matching query to identify subscribers eligible to receive a Lifeline discount. The NPSC requires documentation showing eligibility and internally verifies the re-certification applications of others who receive benefits from one of the other approved eligibility criteria but are not programs administered by DHHS such as Federal Housing Assistance, the school lunch program, and the straight income based tests. The NPSC is also making efforts to re-certify its entire database prior to December 31, 2012. The NPSC will re-certify subscribers on an annual basis each subsequent year.

The NPSC also confirms it will comply with subsection (4) which requires the state Lifeline administrator to provide to each ETC the results of its annual re-certification efforts with respect to that ETC's subscribers. The NPSC will provide this information to each ETC in December of each year.

CONCLUSION

For the foregoing reasons, the NPSC believes it satisfies the requirements of 47 C.F.R. § 54.404(a) and certifies to the Commission that its NTAP database will contain all the controls necessary to ensure that subscribers enrolled in the Lifeline program are eligible to receive the Lifeline discount, and to prevent duplicative Lifeline discounts being applied for the same person or in the same household. Going forward, the NPSC commits to continually improving its database so that continues to be as comprehensive and robust as the federal duplicates database. The NPSC respectfully requests approval of this Petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shana Knutson", written over a horizontal line.

Shana Knutson

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